

**Notice of Allowability**

Application No.

10/534,256

Examiner

Daniel Lai

Applicant(s)

HURTTA, TUIJA

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/11/07.
2. ☒ The allowed claim(s) is/are 2,4,7-9,11,16-19,21 and 24-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



DUC M. NGUYEN  
SUPERVISORY PRIMARY EXAMINER  
TECHNOLOGY CENTER 2600

### **REASONS FOR ALLOWANCE**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 2, line 2, change "Waiting" to "waiting".

#### ***Allowable Subject Matter***

Claims 2,4,7-9,11,16-19,21 and 24-27 are allowed.

The following is an examiner's statement of reasons for allowance: The prior arts of record fail to disclose a method comprising: waiting, by a first layer charging function, a predetermined time for a first piece of information indicating that a first layer charging data are attended to by a second layer charging function, the first piece of information not being part of the first layer charging data transmitting, in response to receiving the first piece of information during the predetermined time, to a network node collecting first layer charging data on the first layer information in a charging instruction indicating that charging data are not transmitted to the first layer charging function; and if the first piece of information is not received during the predetermined time, transmitting, to the network node collecting first layer charging data,

Art Unit: 2617

information in a charging instruction indicating that charging data are transmitted to the first layer charging function~ wherein the first layer and the second layer are usable for transmitting a service in a telecommunication system.

WO 01/91445 (hereinafter WO'445) teaches a method for arranging billing comprising a first layer and a second layer (page 4, line 32-33), both are capable of transmitting service (page 1, line 26-31); a first network service control function CSE\_T (first layer charging function) (page 6, line 14-15); a second network service control function CSE\_A (second layer charging function) (page 8, line 9-10); a network node collecting charging data on the first layer (page 9, line 13-14); the method comprising receiving a first piece of information indicating that the first layer charging data are attended to by the second layer charging function by detecting that CSE\_A is responsible for the prepaid account of the prepaid subscription (page 10, line 33-35) (detection does not contain charging data); and transmitting to the CSCF (network node) in response to the first piece of information instruction that tariff (charging data) are to be transmitted to the second layer charging function (CSE\_A) (page 11, line 8-10).

WO'445 does not explicitly teach not to transmit charging data to the first layer charging function. Fabritius et al. (US Patent 6,345,182, hereinafter Fabritius) teaches charging method in a telecommunications system comprising a charge determination point is an external node (col. 2, line 43-44), and therefore the charging data is not transmitted to the first layer charging function. Fabritius further teaches that the method comprising transmitting charging information between different networks (col. 2, line 33-53). According to Applicant's specification, the layers are simply different networks such as "Packet Switched domain" and "IMS domain" (instant application, page 4, line 34-35), and hence the Fabritius reference is an analogous art. It

Art Unit: 2617

would have been obvious to one having ordinary skill in the art at the time of the invention to combine the billing system taught by WO'445 with the external charging node taught by Fabritius to provide an external charge determination point to a mobile switching center acting as charging point for a call originating mobile terminal, as taught by Fabritius (col. 2, line 25-32).

However, the references fail to disclose the limitation "if the first piece of information is not received during the predetermined time, transmitting, to the network node collecting first layer charging data, information in a charging instruction indicating that charging data are transmitted to the first layer charging function".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Faccinn et al. (US 2002/0127995 A1)

Schweitzer (US 2001/0055291 A1)

Lundstrom (US 2002/0191597 A1)

Lialiamou et al. (US 2004/0152444 A1)

Rosenberg (US 6,307,924 B1)

Kari et al. (US 6,480,485 B1)

Oyama et al. (US 2002/0068545 A1).

Art Unit: 2617


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Lai whose telephone number is (571) 270-1208. The examiner can normally be reached on Monday – Thursday, 9:00 a.m. – 4:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DL

D.L.

  
DUC M. NGUYEN  
SUPERVISORY PRIMARY EXAMINER  
TECHNOLOGY CENTER 2600